

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS L. WALKER,

Plaintiff,

v.

MARY GREINER, *et al.*,

Defendants.

Case No. 21-12874

Honorable Denise Page Hood

Magistrate Judge Elizabeth A. Stafford

**ORDER TO SHOW CAUSE WHY
COMPLAINT SHOULD NOT BE DISMISSED
FOR FAILURE TO SERVE DEFENDANTS**

In December 2021, Plaintiff Marcus L. Walker, a prisoner proceeding pro se, filed suit against Michigan Department of Corrections (MDOC) employees and other health professionals under 42 U.S.C. § 1983, alleging that they violated his Eighth Amendment rights. ECF No. 1. Walker has filed no proof that he served any defendant.

Under Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed,” the Court “must dismiss the action without prejudice against that defendant.” But the Court must “extend the time for service for an appropriate period” if the plaintiff shows “good cause for the failure.” *Id.* For pro se prisoners proceeding in forma

pauperis, “good cause” may depend on the Marshal Service’s efforts to serve the defendant. 28 U.S.C. § 1915(d) (when a plaintiff proceeds in forma pauperis, “[t]he officers of the court shall issue and serve all process”); *Spencer v. Bynum*, No. 13-13056, 2013 WL 4041870, at *2 (E.D. Mich. Aug. 8, 2013). But Walker paid his filing fee, so he is responsible for serving the complaints on defendants. ECF No. 1.¹

By August 29, 2022, Walker must show cause why this case should not be dismissed under Rule 4(m). If he fails to respond to this order or if he fails to show good cause for his failure to timely serve defendants, the Court will recommend that his complaint be dismissed without prejudice.

IT IS ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: August 1, 2022

¹ The process Walker must file is described in the Court’s *Pro Se Handbook: Filing Your Lawsuit in Federal Court* 7 (October 2017), which is accessible here:

<http://www.mied.uscourts.gov/PDFFiles/HowToFileYourLawsuitHandbook.pdf>.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 1, 2022.

s/Marlana Williams
MARLENA WILLIAMS
Case Manager